

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1189
92ND GENERAL ASSEMBLY

Reported from the Committee on Pensions and General Laws, March 15, 2004, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4317S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 58.451 and 58.720, RSMo, and to enact in lieu thereof two new sections relating to reporting and investigating of death by a coroner.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 58.451 and 58.720, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 58.451 and 58.720, to read as follows:

58.451. 1. When any person, in any county in which a coroner is required by section 58.010, dies and there is reasonable ground to believe that such person died as a result of:

- (1) Violence by homicide, suicide, or accident;
- (2) Criminal abortions, including those self-induced;
- (3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;
- (4) In any unusual or suspicious manner;

(5) Any injury or illness while in the custody of the law or while an inmate in a public institution; the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the coroner or [his] deputy **coroner** shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death, including whether by the act of man, and the manner of death. [He] **The coroner or deputy coroner** may take the names and addresses of witnesses to the death and shall file this information in [his] **the coroner's** office. The coroner or [his] deputy **coroner** shall take possession of all property of value found on the body, making exact inventory of such property on [his] **the** report and shall direct the return of such property to the person entitled to its custody or

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

possession. The coroner or [his] deputy **coroner** shall take possession of any object or article which, in [his] **the coroner or the deputy coroner's** opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county coroner. Immediately upon receipt of such notification, the coroner or the coroner's deputy shall make the determination if further investigation is necessary, based on information provided by the individual contacting the coroner, and immediately advise such individual of the coroner's intentions.

3. Upon taking charge of the dead body and before moving the body the coroner shall notify the police department of any city in which the dead body is found, or if the dead body is found in the unincorporated area of a county governed by the provisions of sections 58.451 to 58.457, the coroner shall notify the county sheriff [and] **or** the highway patrol and cause the body to remain unmoved until the police department, sheriff or the highway patrol has inspected the body and the surrounding circumstances and carefully noted the appearance, the condition and position of the body and recorded every fact and circumstance tending to show the cause and manner of death, with the names and addresses of all known witnesses, and shall subscribe the same and make such record a part of [his] **the coroner's** report.

4. In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the coroner, upon being advised of such facts, may at [his] **the coroner's** own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

5. The coroner shall certify the cause of death in any case under [his] **the coroner's** charge when a physician is unavailable to sign a certificate of death.

6. When the cause of death is established by the coroner, [he] **the coroner** shall file a copy of [his] **the** findings in [his] **the coroner's** office within thirty days.

7. If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner determines that a further examination is necessary in the public interest, the coroner on [his] **the coroner's** own authority may make or cause to be made an autopsy on the body. The coroner may on [his] **the coroner's** own authority employ the services of a pathologist, chemist, or other expert to aid in the examination of the body or of substances supposed to have caused or contributed to death, and if the pathologist, chemist, or other expert is not already employed by the city or county for the discharge of such services, [he] **the pathologist, chemist, or other expert** shall, upon written authorization of the coroner, be allowed reasonable compensation, payable by the city or county, in the manner provided in section 58.530. The coroner shall, at the time of the autopsy, record or cause to be recorded each fact and circumstance tending to show the condition of the body and the cause and manner of death.

8. If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner considers a further inquiry and examination necessary in the public interest, [he] **the coroner** shall make out [his] **the coroner's** warrant directed to the sheriff of the city or county requiring [him] **the sheriff** forthwith to summon six good and lawful citizens of the county to appear before the coroner, at the time and place expressed in the warrant, and to inquire how and by whom the deceased [came to his death] **died**.

9. (1) When a person is being transferred from one county to another county **or into the state** for medical treatment and such person dies while being transferred, **or dies while being treated in the emergency room of the receiving facility** the [county] **place** from which the person is first removed shall be considered the place of death and the county coroner **or medical examiner** of the county **or state** from which the person was being transferred shall be responsible for the certificate of death and for investigating the cause and manner of the death. [If]

(2) The coroner **or medical examiner** in the county in which the person [died believes that further investigation is warranted and a postmortem examination is needed, such coroner or medical examiner shall have the right to further investigate and perform the postmortem examination] **is determined to be dead may, with authorization of the coroner or medical examiner from the transferring county or state, investigate and conduct postmortem examinations** at the expense of [such] **the coroner or medical examiner [and shall be] from the transferring county or state. The coroner or medical examiner from the transferring county or state shall be** responsible for the certificate of death and for investigating the cause and manner of the death. [Such]

(3) A coroner or medical examiner **from the county where a person is determined to be dead** shall immediately notify the coroner or medical examiner of the county **or state** from which the person was being transferred of the death of such person [and after an investigation is completed shall notify such coroner or medical examiner of his findings], **and shall make available information and records necessary for investigation of the death.**

(4) If a person does not die while being transferred and is institutionalized **as a regularly admitted patient** after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person [dies] **is determined to be dead** shall immediately notify the coroner or medical examiner of the county **or state** from which such person was transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death.

(5) **In the case of death by homicide, suicide, accident, criminal abortion including those that are self-induced, child fatality, or by any unusual or suspicious manner, the investigation of the cause and manner of death shall revert**

to the county or state of origin, and this coroner or medical examiner shall be responsible for the certificate of death.

(6) There shall not be any statute of limitations or time limits on the cause of death when death is the final result or determined to be caused by homicide, suicide, accident, child fatality, criminal abortion including those self-induced, or by any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead, but the final investigation of death determining the cause and manner of death shall revert to the county or state of origin, and the coroner or medical examiner of such county shall be responsible for the certificate of death.

10. Except as provided in subsection 9 of this section, if a person dies in one county and his body is subsequently transferred to another county **or state for burial or other reasons**, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

11. In performing **[his] the duties of the office**, the coroner or medical examiner shall make reasonable efforts to accommodate organ **and tissue** donation.

58.720. 1. When any person dies within a county having a medical examiner as a result of:

- (1) Violence by homicide, suicide, or accident;
- (2) Thermal, chemical, electrical, or radiation injury;
- (3) Criminal abortions, including those self-induced;
- (4) Disease thought to be of a hazardous and contagious nature or which might constitute a threat to public health; or when any person dies:
 - (a) Suddenly when in apparent good health;
 - (b) When unattended by a physician, chiropractor, or an accredited Christian Science practitioner, during the period of thirty-six hours immediately preceding his death;
 - (c) While in the custody of the law, or while an inmate in a public institution;
 - (d) In any unusual or suspicious manner;

the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the office of the medical examiner of the known facts concerning the time, place, manner and circumstances of the death.

Immediately upon receipt of notification, the medical examiner or his designated assistant shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death. He may take the names and addresses of witnesses to the death and shall file this information in his office. The medical examiner or his designated assistant shall take possession of all property of value found on the body, making exact inventory thereof on his report and shall direct the return of such property to the person entitled to its

custody or possession. The medical examiner or his designated assistant examiner shall take possession of any object or article which, in his opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county medical examiner. Immediately upon receipt of such notification, the medical examiner or the medical examiner's deputy shall make a determination if further investigation is necessary, based on information provided by the individual contacting the medical examiner, and immediately advise such individual of the medical examiner's intentions.

3. In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the medical examiner, upon being advised of such facts, may at his own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

4. The medical examiner shall certify the cause of death in any case where death occurred without medical attendance or where an attending physician refuses to sign a certificate of death, and may sign a certificate of death in the case of any death.

5. When the cause of death is established by the medical examiner, he shall file a copy of his findings in his office within thirty days after notification of the death.

6. (1) When a person is being transferred from one county to another county **or into the state** for medical treatment and such person dies while being transferred, **or dies while being treated in the emergency room of the receiving facility**, the [county] **place** from which the person is first removed shall be considered the place of death and the **county coroner or** medical examiner of the county **or state** from which the person was being transferred shall be responsible for the certificate of death and for investigating the cause and manner of the death. [If]

(2) The coroner or medical examiner in the county in which the person [died believes that further investigation is warranted and a postmortem examination is needed, such coroner or medical examiner shall have the right to further investigate and perform the postmortem examination] **is determined to be dead may, with authorization of the coroner or medical examiner from the transferring county, investigate and conduct postmortem examinations** at the expense of [such] the coroner or medical examiner [and shall be] **from the transferring county. The coroner or medical examiner from the transferring county shall be** responsible for the certificate of death and for investigating the cause and manner of the death. [Such]

(3) A coroner or medical examiner **from the county where a person is determined to be dead** shall immediately notify the coroner or medical examiner of the county **or state** from which the person was being transferred of the death of such person

[and after an investigation is completed shall notify such coroner or medical examiner of his findings], **and shall make available information and records necessary for investigation of the death.**

(4) If a person does not die while being transferred and is institutionalized **as a regularly admitted patient** after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person [dies] **is determined to be dead** shall immediately notify the coroner or medical examiner of the county **or state** from which such person was transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death.

(5) **In the case of death by homicide, suicide, accident, criminal abortion including those that are self-induced, child fatality, or by any unusual or suspicious manner, the investigation of the cause and manner of death shall revert to the county or state of origin, and this coroner or medical examiner shall be responsible for the certificate of death.**

(6) There shall not be any statute of limitations or time limits on the cause of death when death is the final result or determined to be caused by homicide, suicide, accident, criminal abortion including those self-induced, child fatality, or by any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead, but the final investigation of death determining the cause and manner of death shall revert to the county or state of origin, and this coroner or medical examiner shall be responsible for the certificate of death.

7. Except as provided in subsection 6 of this section, if a person dies in one county and [his] **the** body is subsequently transferred to another county **or state for burial or other reasons**, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

8. In performing [his] **the** duties, the coroner or medical examiner shall make reasonable efforts to accommodate organ **and tissue** donation.